

Appl. No. 09/624,239  
Amdt. dated September 1, 2005  
Reply to Office Action of March 1, 2005

Page 10 of 16

### **REMARKS/ARGUMENTS**

A Petition for a Three-Month Extension of Time and a Request for Continued Examination are enclosed under separate cover.

A Power of Attorney and a Statement under 3.73(b) are also enclosed herewith.

Claims 1 - 22 and 24 - 49 remain in the application. Claim 23 has been cancelled. Claims 1, 3 - 5, 7, 9, 10, 18 - 21, 24, 25, 29 and 45 - 49 have been amended.

#### **Rejection under 35 USC 101**

The Examiner has rejected claim 23 as being directed to non-statutory subject matter. Claim 23 has been cancelled and the rejection thereof is now moot.

#### **Rejection under 35 USC 112**

The Examiner rejected claim 10 as being indefinite for an improper dependency. Claim 9 and claim 10, upon which it depends, have both been amended to recite steps of determining performance degradation information. Applicant submits that claim 10, as amended, is clear and definite and requests withdrawal of the rejection under 35 USC 112.

#### **Rejections under 35 USC 102(e)**

The Examiner rejected claims 1 - 7, 10 - 17, 22 - 31 and 48 - 49 as being anticipated by U.S. Patent No. 5,963,911 to Walker.

In response, Applicant has amended claim 1 to positively recite a step of concurrently announcing said system problems and said problem priority information associated with said system problems. Claims 3 - 5, 7, 9, 10 and 18 - 20 have been amended in accordance with the amendment to claim 1, from which they depend. Similar amendments have been made to independent apparatus claims 24 and 25, and to claim 29, which depends from claim 25.

Each of claims 45, 48 and 49 have also been amended in to recite a concurrent announcement of the system problems and problem priority information, while claims 21, 46 and

Appl. No. 09/624,239  
Amdt. dated September 1, 2005  
Reply to Office Action of March 1, 2005

Page 11 of 16

47 have been amended to recite that the system problems and problem priority information are concurrently annunciated visually.

In response to the arguments previously presented, the Examiner indicated that the claims required the production of signals, and did not specify their use or function within the system. As such, the Examiner maintained the rejection on the basis of Walker, since Walker's scheduling process must inherently prioritize the repairs prior to dispatching service technicians. Claim 1, as amended, requires the step of "concurrently (with the correlation step) annunciating said system problems and said problem priority information..." One skilled in the art will appreciate that Walker does not teach the annunciation of both problems and a priority associated with the problem.

Walker is a scheduling system. Walker discloses a system and method for allocating resources to jobs, and provides examples of allocating service personnel to service jobs. Walker's system receives information related to jobs to be completed, and assigns the jobs to technicians. Priority information may be used to assign tasks to individual technicians, but there is no indication in Walker that the priority of the assigned problem is ever conveyed or annunciated to anyone. Walker teaches the assignment of tasks based on a matrix. Thus, a technician who is not geographically close to a problem will at best be assigned a low priority task to account for the delay due to distance. The technician does not receive any indication that the assigned task is a low priority task. As such, Walker does not teach the concurrent annunciation of problems and priority associated with the problem. Accordingly, Applicant submits that claim 1, as amended, is not anticipated by Walker, and as such, requests that the rejection of claim 1 under 35 USC 102(e) be withdrawn.

Claims 2-7, 10-17 and 22, were rejected under 35 USC 102(e) as being anticipated by Walker. Applicant submits that each of claims 2-7 depend from claim 1, either directly or indirectly, and as such include the limitations of claim 1. As claim 1 is submitted to be patentable in view of Walker, since Walker does not teach the concurrent annunciation of system problems and the priority information associated with the system problems, each of claims 2-7, 10-17 and 22 are submitted to be patentable in view of Walker, and accordingly,

Appl. No. 09/624,239  
Amdt. dated September 1, 2005  
Reply to Office Action of March 1, 2005

Page 12 of 16

Applicant requests that the rejection of claims 2-7, 10-17, and 22 under 35 USC 102(e) be withdrawn.

Applicant has cancelled claim 23, so the rejection of this claim under 35 USC 102(e) is now moot.

The Examiner identified claim 24 as being an apparatus in means plus function form which carries out the method of claim 1, and rejected it under 35 USC 102(e) for the same reasons as claim 1. Applicant has amended claim 24 to recite a "means for concurrently annunciating said system problems and said problem priority information associated with said system problems." Applicant re-iterates the comments made above with respect to claim 1 regarding the concurrent annunciation of problems and problem priority information. Applicant notes that Walker does not teach any means for concurrently annunciating problems and priority information associated with the problems, and instead only provides technicians with problem information. As such, Applicant submits that Walker does not teach or disclose the matter of claim 24, and as such, requests that the rejection of claim 24 under 35 USC 102(e) be withdrawn.

The Examiner rejected claim 25 as anticipated by Walker. Applicant has amended claim 25 to recite the presence of a signal generator "to concurrently annunciate said system problems and said problem priority information...". Applicant re-iterates the arguments presented above regarding the teachings of Walker as they pertain to the annunciation of problems, and the lack of teaching regarding the concurrent annunciation of problems and priority information associated with the problems. Accordingly, Applicant submits that Walker neither teaches nor discloses the matter claim 25 and requests that the rejection of claim 25 under 35 USC 102(e) be withdrawn.

Claims 26-31 are rejected as anticipated by Walker. Applicant notes that each of claims 26-31 depends, either directly or indirectly, from claim 25 and as such each of the claims includes the limitations of claim 25. As claim 25 is submitted to be patentable in view of Walker, Applicant submits that dependent claims 26-31 are also patentable. Accordingly, Applicant requests that the rejection of claims 26-31 under 35 USC 102(e) be withdrawn.

Appl. No. 09/624,239  
Amdt. dated September 1, 2005  
Reply to Office Action of March 1, 2005

Page 13 of 16

The Examiner has rejected claim 48 as being anticipated by Walker. Applicant has amended claim 48 to recite the presence of a signal generator that produces problem priority information correlated to system problems, and that concurrently annunciates the system problems and the correlated problem priority information. Applicant re-iterates the arguments made above with regard to Walker's lack of teaching of concurrent annunciation of system problems and priority information associated with the problems, and in view of these arguments requests that the rejection of claim 48 under 35 USC 102(e) be withdrawn.

The Examiner rejected claim 49 as being anticipated by Walker. Applicant has amended claim 49 to recite the presence of a signal generator that concurrently annunciates system problems and priorities correlated to the system problems. Applicant re-iterates the arguments presented above with regard to the concurrent annunciation of system problems and the priorities of the problems, and requests that the rejection of claim 49 under 35 USC 102(e) be withdrawn.

#### **Rejections under 35 USC 103(a)**

The Examiner has made further claim rejections under 35 USC 103(a) based on the combination of Walker in view of U.S. Patent No. 6,012,152 to Douik.

Prior to directly addressing the rejections, Applicant notes that Douik is relied upon by the Examiner to teach a richer displaying of information, and to provide user selectability of certain criteria for inclusion in a correlation. Applicant reiterates the comments above with respect to Walker, and submits that the matter of claim 1 is not reached through a combination of the Douik and Walker references. Although Douik provides a more user-friendly display of messages than the simple task notification system of Walker, there is no indication in either of the Douik or Walker references that problem and related priorities are annunciaded concurrently. The Examiner has pointed to various sections of the Douik reference, including col. 34, lines 25-18, col. 35, lines 40-60, col. 38, lines 1-6 and col. 35, lines 19-23 to show that Douik teaches towards a similar concept. The cited passages only refer to the ability of Douik to display rich information, including a problem ticket or report. The only indication of a priority is the reference to human intervention to classify problems in column 38. As such, the matter of claim 1 as amended would not have been obvious in view of the combination of Walker and

Appln. No. 09/624,239  
Amdt. dated September 1, 2005  
Reply to Office Action of March 1, 2005

Page 14 of 16

Douik because neither reference teaches the annunciation of the information as required in claim 1.

The Examiner has also rejected claims 8-10 and 18-20 under 35 USC 103(a). Applicant notes that each of claims 8-10 and 18-20 depend from claim 1 either directly or indirectly. It is submitted above that the combination of Walker and Douik fails to teach the matter of claim 1 as amended. As each of claims 8-10 and 18-20 depend, either directly or indirectly from claim 1, and as such include all the limitations of claim 1, and claim 1 is submitted to be patentable in view of the combination of Walker and Douik, Applicant submits that each of claim 8-10 are also patentable. Accordingly, Applicant requests that the rejection of claims 8-10 and 18-20 under 35 USC 103(a) be withdrawn.

The Examiner has rejected claim 21 under 35 USC 103(a). Applicant has amended claim 21 to recite the step of "concurrently annunciating said system problems and said problem priority associated with said system problems." Applicant re-iterates the arguments made above with regard to the combination of Douik and Walker failing to teach the concurrent annunciation of system problems and priority information, and requests that the rejection of claim 21 under 35 USC 103(a) be withdrawn.

The Examiner has rejected claims 32-44 under 35 USC 103(a) stating that the claims are the apparatus for carrying out the method of claim 1, and are thus rejected on the same grounds as claims 8-20. Applicant notes that claims 32-44 depend, either directly or indirectly, from claim 25. Applicant reiterates the above presented argument regarding the failure of the combination of Douik and Walker to teach the concurrent annunciation of system problems and priority information, and requests that the rejection of claims 32-44 under 35 USC 103(a) be withdrawn.

The Examiner has rejected claim 45 under 35 USC 103(a) in view of the combination of Walker and Douik. Applicant has amended claim 45 so that it recites a signal generator "to concurrently announce said system problems and said problem priority information...", and so that it further recites a display device for "producing a visual image displaying said concurrently announced system problems and problem priority information." Applicant reiterates the above argument regarding the failure of the combination of Walker and Douik to

Appln. No. 09/824,239  
Amtd. dated September 1, 2005  
Reply to Office Action of March 1, 2005

Page 15 of 16

teach the concurrent annunciation (or visual representation of the concurrent annunciation) of the system problems along with the correlated priorities. Applicant requests, in view of the above arguments, that the rejection of claim 45 under 35 USC 103(a) be withdrawn.

The Examiner has rejected claim 46 under 35 USC 103(a). Applicant notes that claim 46 has been amended to recite the steps of producing "problem priority information correlated to said system problems" and "concurrently annunciating said system problems and said problem priority information associated with said system problems visually." Applicant reiterates the above arguments regarding the failure of the combination of the Walker and Douik references to teach the concurrent annunciation of problems and related priorities. Accordingly, Applicant submits that the matter of claim 46 is not taught or taught towards by the combination of the Walker and Douik references, and requests that the rejection of claim 46 under 35 USC 103(a) be withdrawn.

The Examiner has rejected claim 47 under 35 USC 103(a). Applicant notes that claim 47 has been amended to recite the step of visually annunciating system problems and related priority information. Applicant reiterates the above arguments regarding the failure of the Walker and Douik references to teach the concurrent annunciation of system problems and related priorities, and notes that the combination of the Walker and Douik references does not teach the matter of claim 47 as amended. As such, Applicant requests that the rejection of claim 47 under 35 USC 103(a) be withdrawn.

### Conclusion

In view of the arguments and amendments presented herein, Applicant requests that the rejection of claims 1-7, 10-17, 22, 24-31 and 48-49 under 35 USC 102(e) be withdrawn. Applicant further requests that the rejection of claims 8-10, 18-21 and 32-47 under 35 USC 103(a) be withdrawn.

A request for a Three-Month Extension of Time has been made under separate cover.

**The Commissioner is hereby authorized to debit \$1810.00 from Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.**

Appl. No. 09/624,239  
Amdt. dated September 1, 2005  
Reply to Office Action of March 1, 2005

Page 16 of 16

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Applicant submits that the application is now in condition for allowance, and favorable action to that end is respectfully requested.

Respectfully submitted,  
Tommaso D'IPPOLITO, et al.

By: 

L. Anne Kinsman  
Reg. No. 45,291  
Borden Ladner Gervais LLP  
World Exchange Plaza  
100 Queen Street, Suite 1100  
Ottawa, ON K1P 1J9  
CANADA  
Tel: (613) 787-3519  
Fax: (613) 787-3558  
E-mail: [akinsman@blgcanada.com](mailto:akinsman@blgcanada.com)

ALK/plg